

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE BAIR HUGGER FORCED AIR WARMING
(JNE/FLN)
PRODUCTS LIABILITY LITIGATION

MDL No.: 15-md-02666

This Document Relates to All Actions.

Louis Bucci,

Civil Action No.: 0:17-cv-01073

Plaintiff,

v.

3M Company and Arizant Healthcare, Inc.,

Defendants.

**DECLARATION OF KRISTINE KRAFT IN SUPPORT OF PLAINTIFF'S
RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

I, Kristine Kraft, for my declaration pursuant to 28 U.S.C. §1746 in the above-captioned action, state the following on my own personal knowledge thereof:

1. I am an attorney at Schlichter, Bogard & Denton and Counsel for Plaintiff Louis Bucci in the above-captioned matter.
2. I submit this affidavit in opposition to Defendant's Motion to Dismiss for Failure to Comply with Pretrial Order No. 23 [ECF No. 1740] filed on February 7, 2019.
3. During the pendency of the above-captioned matter, my firm has sent regular letters to Louis Bucci providing updates on the litigation status. Such status letters were sent on the following dates:

- July 28, 2017
- October 16, 2017
- November 30, 2017
- January 19, 2018
- April 20, 2018
- June 28, 2018
- November 20, 2018

4. Attached to this declaration are true and correct copies of status update letters sent to Louis Bucci on January 19, 2018 (Ex. 1), June 28, 2018 (Ex. 2, redacted for attorney-client privilege), and November 20, 2018 (Ex. 3, redacted for attorney-client privilege).
5. Christine Thurston, daughter and legal agent of Louis Bucci, contacted me via telephone on January 22, 2018 to provide an update on Louis Bucci's condition and to clarify her agency relationship with Louis Bucci pursuant to a durable power of attorney. Ms. Thurston informed me that Louis Bucci is unable to read the status letters that he receives from my firm due to cataracts; however, Ms. Thurston informs Louis Bucci of the letters' content and Louis Bucci consents to Ms. Thurston's managing the litigation on his behalf.
6. Ms. Vinita Bathia, an attorney the law firm of Blackwell Burke representing Defendants, contacted me via email on February 5, 2019 stating that Defendants believed Louis Bucci had died. This email included a link to an obituary for Louis Bucci and stated that Defendants were planning on filing a motion to dismiss the above-captioned matter for failure to comply with PTO 23.

7. I contacted Christine Thurston on February 6, 2019. Ms. Thurston confirmed that Louis Bucci died on August 15, 2018, and that she did not think to contact Louis Bucci's retained counsel following his death.
8. I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

SCHLICHTER, BOGARD & DENTON, LLP

Dated: February 14, 2019

/s/ Kristine Kraft
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